

HOUSE BILL No. 1006

DIGEST OF INTRODUCED BILL

Citations Affected: IC 11-12-2; IC 33-38.

Synopsis: Criminal justice funding. Provides that the Indiana judicial center shall administer, in consultation with the department of correction, the state grants to counties for community corrections programs. Creates the justice reinvestment community grants program (program). Provides that the Indiana judicial center shall develop and administer the program. Provides that the board of directors of the judicial conference shall promulgate rules for the program. Provides that the Indiana judicial center shall award grants: (1) to assist with the establishment and maintenance of community corrections programs in each county by 2020; (2) to assist communities and counties to develop and maintain alternatives to incarceration that are needed in the applicable community or county; and (3) to reduce recidivism. Provides that the Indiana judicial center shall monitor other state programs that provide funding to programs that are alternatives to incarceration. Requires the Indiana judicial center to create reports on the program and other state funding of programs that are alternatives to incarceration. Provides that there is an annual appropriation of \$50,000,000 to the program.

Effective: July 1, 2015.

**Steuerwald, McMillin, Pierce,
Lawson L**

January 15, 2015, read first time and referred to Committee on Judiciary.



First Regular Session of the 119th General Assembly (2015)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2014 Regular Session and 2014 Second Regular Technical Session of the General Assembly.

HOUSE BILL No. 1006

A BILL FOR AN ACT to amend the Indiana Code concerning corrections and to make an appropriation.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 11-12-2-1, AS AMENDED BY P.L.168-2014,
2 SECTION 24, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2015]: Sec. 1. (a) For the purpose of encouraging counties to
4 develop a coordinated local corrections-criminal justice system and
5 providing effective alternatives to imprisonment at the state level, the
6 **Indiana judicial center, in consultation with the** commissioner shall,
7 out of funds appropriated for such purposes, make grants to counties
8 for the establishment and operation of community corrections
9 programs. Appropriations intended for this purpose may not be used by
10 the **Indiana judicial center or** department for any other purpose.
11 Money appropriated to the ~~department of correction~~ **Indiana judicial**
12 **center,** for the purpose of making grants under this chapter and any
13 financial aid payments suspended under section 6 of this chapter do not
14 revert to the state general fund at the close of any fiscal year, but
15 remain available to the ~~department of correction~~ **Indiana judicial**



center for its use in making grants under this chapter.

(b) Before March 1, 2015, the department shall estimate the amount of any operational cost savings that will be realized in the state fiscal year ending June 30, 2015, from a reduction in the number of individuals who are in the custody or made a ward of the department of correction (as described in IC 11-8-1-5) that is attributable to the sentencing changes made in HEA 1006-2014 as enacted in the 2014 session of the general assembly. The department shall make the estimate under this subsection based on the best available information. If the department estimates that operational cost savings described in this subsection will be realized in the state fiscal year ending June 30, 2015, the following apply to the department:

(1) The department shall certify the estimated amount of operational cost savings that will be realized to the budget agency and to the auditor of state.

(2) The department may, after review by the budget committee and approval by the budget agency, make additional grants as provided in this chapter to counties for the establishment and operation of community corrections programs from funds appropriated to the department for the department's operating expenses for the state fiscal year.

(3) The department may, after review by the budget committee and approval by the budget agency, transfer funds appropriated to the department for the department's operating expenses for the state fiscal year to the judicial conference of Indiana to be used by the judicial conference of Indiana to provide additional financial aid for the support of court probation services under the program established under IC 11-13-2.

(4) The maximum aggregate amount of additional grants and transfers that may be made by the department under subdivisions (2) and (3) for the state fiscal year may not exceed the lesser of:

(A) the amount of operational cost savings certified under subdivision (1); or

(B) eleven million dollars (\$11,000,000).

Notwithstanding P.L.205-2013 (HEA 1001-2013), the amount of funds necessary to make any additional grants authorized and approved under this subsection and for any transfers authorized and approved under this subsection, and for providing the additional financial aid to courts from transfers authorized and approved under this subsection, is appropriated for those purposes for the state fiscal year ending June 30, 2015, and the amount of the department's appropriation for operating expenses for the state fiscal year ending June 30, 2015, is reduced by



a corresponding amount. This subsection expires June 30, 2015.

(c) The ~~commissioner~~ **Indiana judicial center** shall give priority in issuing community corrections grants to programs that provide alternative sentencing projects for persons with mental illness, addictive disorders, mental retardation, and developmental disabilities.

SECTION 2. IC 11-12-2-3, AS AMENDED BY P.L.108-2010, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 3. (a) A community corrections advisory board shall:

(1) formulate:

(A) the community corrections plan and the application for financial aid required by section 4 of this chapter; and

(B) the forensic diversion program plan under IC 11-12-3.7;

(2) observe and coordinate community corrections programs in the county;

(3) make an annual report to the county fiscal body, county executive, or, in a county having a consolidated city, the city-county council, containing an evaluation of the effectiveness of programs receiving financial aid under this chapter and recommendations for improvement, modification, or discontinuance of these programs;

(4) ensure that programs receiving financial aid under this chapter comply with the standards adopted by the ~~department~~ **Indiana judicial center** under section 5 of this chapter; and

(5) recommend to the county executive or, in a county having a consolidated city, to the city-county council, the approval or disapproval of contracts with units of local government or nongovernmental agencies that desire to participate in the community corrections plan.

Before recommending approval of a contract, the advisory board must determine that a program is capable of meeting the standards adopted by the **Indiana judicial center and the** department under section 5 of this chapter.

(b) A community corrections advisory board shall do the following:

(1) Adopt bylaws for the conduct of its own business.

(2) Hold a regular meeting at least one (1) time every three (3) months and at other times as needed to conduct all necessary business. Dates of regular meetings shall be established at the first meeting of each year.

(3) Comply with the public meeting and notice requirements under IC 5-14-1.5.

(c) A community corrections advisory board may contain an office



as designated by the county executive or, in a county having a consolidated city, by the city-county council.

(d) Notwithstanding subsection (a)(4), the standards applied to a court alcohol and drug program or a problem solving court that provides services to a forensic diversion program under IC 11-12-3.7 must be the standards established under IC 12-23-14 or IC 33-23-16.

SECTION 3. IC 11-12-2-4, AS AMENDED BY P.L.24-2014, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 4. (a) A county or group of counties seeking financial aid under this chapter must apply to the ~~commissioner~~ **Indiana judicial center** in a manner and form prescribed by the ~~commissioner~~ **Indiana judicial center**. The application must include a community corrections plan that has been approved by the community corrections board and the county executive or, in a county having a consolidated city, by the city-county council. No county may receive financial aid until its application is approved by the ~~commissioner~~ **Indiana judicial center**.

(b) A community corrections plan must comply with rules adopted under section 5 of this chapter and must include:

- (1) a description of each program for which financial aid is sought;
- (2) the purpose, objective, administrative structure, staffing, and duration of the program;
- (3) a method to evaluate each component of the program to determine the overall use of ~~department~~ approved best practices for the program;
- (4) the program's total operating budget, including all other sources of anticipated income;
- (5) the amount of community involvement and client participation in the program;
- (6) the location and description of facilities that will be used in the program;
- (7) the manner in which counties that jointly apply for financial aid under this chapter will operate a coordinated community corrections program; and
- (8) a plan of collaboration between the probation department and the community corrections program for the provision of community supervision for adult offenders. The community supervision collaboration plan must be submitted to the department and the Indiana judicial center by July 1, 2017, and must include:

- (A) a description of the evidence based services provided to



felony offenders by the community corrections program and the probation department;

(B) the manner in which the community corrections program and the probation department intend to reduce the duplication of services to offenders under community supervision;

(C) the manner in which the community corrections program and the probation department intend to coordinate operations and collaborate on the supervision of adult felony offenders;

(D) the eligibility criteria established for community based services provided to adult felony offenders;

(E) the criteria for using the community corrections program as an intermediate sanction for an offender's violation of probation conditions;

(F) a description of how financial aid from the **Indiana judicial center and the** department, program fees, and probation user fees will be used to provide services to adult felony offenders; and

(G) documentary evidence of compliance with **Indiana judicial center and** department rules for community corrections programs and judicial conference of Indiana standards for probation departments.

(c) A community corrections plan must be annually updated, approved by the county executive or, in a city having a consolidated city, by the city-county council, and submitted to the ~~commissioner~~ **Indiana judicial center**.

(d) No amendment to or substantial modification of an approved community corrections plan may be placed in effect until the ~~department~~ **Indiana judicial center** and county executive, or in a county having a consolidated city, the city-county council, have approved the amendment or modification.

(e) A copy of the final plan as approved by the ~~department~~ **Indiana judicial center** shall be made available to the board in a timely manner.

(f) The ~~commissioner~~ **Indiana judicial center** may, subject to availability of funds, give priority in issuing additional financial aid to counties with a community supervision collaboration plan approved by the department and the Indiana judicial center. The additional financial aid may be used for any evidence based service or program in the approved plan.

SECTION 4. IC 11-12-2-5, AS AMENDED BY P.L.105-2010, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 5. (a) The **Indiana judicial center in**



consultation with the department shall do the following:

- (1) Provide consultation and technical assistance to counties to aid in the development of community corrections plans.
 - (2) Provide training for community corrections personnel and board members to the extent funds are available.
 - (3) Adopt under IC 4-22-2 rules governing application by counties for financial aid under this chapter, including the content of community corrections plans.
 - (4) Adopt under IC 4-22-2 rules governing the disbursement of monies to a county and the county's certification of expenditures.
 - (5) Adopt under IC 4-22-2 minimum standards for the establishment, operation, and evaluation of programs receiving financial aid under this chapter. (These standards must be sufficiently flexible to foster the development of new and improved correctional practices.)
 - (6) Examine and either approve or disapprove applications for financial aid. The department's approval or disapproval must be based on this chapter and the rules adopted under this chapter.
 - (7) Keep the budget agency informed of the amount of appropriation needed to adequately fund programs under this chapter.
 - (8) Adopt under IC 4-22-2 a formula or other method of determining a participating county's share of funds appropriated for purposes of this chapter. This formula or method must be approved by the budget agency before the formula is adopted and must be designed to accurately reflect a county's correctional needs and ability to pay.
 - (9) Keep counties informed of money appropriated for the purposes of this chapter.
 - (10) Provide an approved training curriculum for community corrections field officers.
 - (11) Require community corrections programs to submit in proposed budget requests an evaluation of the use of **the Indiana judicial center and the** department approved best practices for each community corrections program component.
- (b) The ~~commissioner~~ **Indiana judicial center** may do the following:
- (1) Visit and inspect any program receiving financial aid under this chapter.
 - (2) Require a participating county or program to submit information or statistics pertinent to the review of applications and programs.



(3) Expend up to three percent (3%) of the money appropriated to the department for community correction grants to provide technical assistance, consultation, and training to counties and to monitor and evaluate program delivery.

(c) Notwithstanding any law prohibiting advance payments, the **Indiana judicial center in consultation with the** department of correction may advance grant money to a county or group of counties in order to assist a community corrections program. However, not more than twenty-five percent (25%) of the amount awarded to a county or group of counties may be paid in advance.

(d) The ~~commissioner~~ **Indiana judicial center** shall disburse no more funds to any county under this chapter than are required to fund the community corrections plan.

SECTION 5. IC 11-12-2-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 6. To remain eligible for financial aid under this chapter, a county must comply with its community corrections plan and the rules and minimum standards adopted by the ~~department~~ **Indiana judicial center** under section 5 of this chapter. If the commissioner determines that there are reasonable grounds to believe that a county is not complying with its plan, the rules, or the minimum standards, he shall, after giving at least thirty (30) days written notice to the board of county commissioners or city-county council, the community corrections advisory board, and the chief administrator of the program, conduct a hearing under IC 4-21.5-3 to ascertain whether compliance has been achieved. Upon a finding of noncompliance, the ~~commissioner~~ **Indiana judicial center** may suspend any part of the financial aid until compliance is achieved.

SECTION 6. IC 11-12-2-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 8. (a) Counties may not use funds received under this chapter to construct or renovate county jails.

(b) Counties acting jointly may use funds received under this chapter to construct a county operated residential work release facility, if the facility is not:

- (1) physically connected to a jail; or
- (2) used to house offenders who are required to serve their sentence in a county jail.

(c) The **Indiana judicial center in consultation with the** department may provide funds under this chapter for the construction of a facility under subsection (b) in an amount that does not exceed fifty percent (50%) of the cost of construction of the facility. The funds provided under this subsection may not be used for any purpose other



1 than the construction of the facility.

2 (d) The counties acting under subsection (b) shall provide the funds
3 required for:

4 (1) the construction of the facility in addition to the funds
5 provided ~~by the department~~ under subsection (c);

6 (2) the operation of the facility; and

7 (3) the administration of the community corrections program.

8 (e) A residential work release facility constructed under subsection
9 (b) may not be used for any purpose other than the operation of a
10 community corrections program during the ten (10) year period
11 following the completion of construction.

12 SECTION 7. IC 11-12-2-10 IS AMENDED TO READ AS
13 FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 10. A county receiving
14 financial aid under this chapter may terminate its participation by
15 delivering a resolution of the board of county commissioners or
16 city-county council to the commissioner **and the Indiana judicial**
17 **center**. Upon withdrawal from the subsidy program, the board of
18 county commissioners or city-county council may adopt a resolution
19 stating that it is in the best interests of the county that the community
20 corrections advisory board be dissolved, whereupon the county
21 commissioners or city-county council shall pay and discharge any debts
22 or liabilities of the advisory board, collect and distribute assets of the
23 advisory board under the laws of Indiana, and pay over any remaining
24 proceeds or property to the proper fund.

25 SECTION 8. IC 11-12-2-12 IS AMENDED TO READ AS
26 FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 12. (a) A community
27 corrections fund is established in each community having a community
28 corrections program. The fund shall be administered by the community
29 corrections advisory board in accordance with rules adopted by the
30 ~~department~~ **Indiana judicial center** under subsection (c). The
31 expenses of administering the fund shall be paid from money in the
32 fund. Money in the fund at the end of a fiscal year does not revert to
33 any other fund. The fund consists of fees deposited under subsection
34 (b). Money in the fund may be used only for the provision of
35 community corrections program services, including services allowed
36 under IC 11-12-2-5(b)(3).

37 (b) In addition to user fees collected under IC 31-40, IC 35-38-2-1,
38 or any other user fee collected from a participant in a community
39 corrections program by an agency or program, a community corrections
40 program may collect from a participant a user fee assessed in
41 accordance with rules adopted under subsection (c). Community
42 corrections user fees collected under this section shall be deposited into



the community corrections fund established by this section.

(c) The ~~department~~ **Indiana judicial center** shall adopt rules under IC 4-22-2 governing the following:

(1) The maximum amount that a community corrections program or a court may assess as a user fee under subsection (b) or IC 35-38-2.5-6.

(2) Administration by community corrections advisory boards of community corrections funds and the community corrections home detention fund, including criteria for expenditures from the funds.

SECTION 9. IC 33-38-9-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 6. The judicial conference shall do the following:

(1) Promote an exchange of experience and suggestions regarding the operation of Indiana's judicial system.

(2) Promote the continuing education of judges.

(3) Seek to promote a better understanding of the judiciary.

(4) Act as administrator for probationers participating in the interstate compact for the supervision of parolees and probationers under IC 11-13-4-3.

(5) Act as compact administrator for probationers participating in the interstate compact on juveniles under IC 11-13-4-3.

(6) Develop and administer the justice reinvestment community grants program under IC 33-38-9.5.

(7) Administer, in consultation with the department of correction, the state grants to counties for community corrections programs.

SECTION 10. IC 33-38-9.5 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]:

Chapter 9.5. Justice Reinvestment Community Grants Program

Sec. 1. As used in this chapter, "board" refers to the board of directors of the judicial conference of Indiana, established by IC 33-38-9-3.

Sec. 2. As used in this chapter, "Indiana judicial center" refers to the Indiana judicial center established under IC 33-38-9-4(b).

Sec. 3. (a) The Indiana judicial center shall develop and administer the justice reinvestment community grants program.

(b) The goal of the justice reinvestment community grants program is to develop incarceration alternatives at the county and community level through grants by promoting the development of:

(1) probation services;



- (2) problem solving courts;
- (3) mental health treatment;
- (4) substance abuse treatment;
- (5) forensic diversion programs;
- (6) community corrections; and
- (7) other alternatives to incarceration.

(c) The Indiana judicial center shall accept applications from county and local criminal justice organizations for grants described in subsection (b). The Indiana judicial center shall award grants:

- (1) to assist with the establishment and maintenance of community corrections programs in each county by 2020, including community corrections programs serving multiple counties;
- (2) to assist communities and counties to develop and maintain alternatives to incarceration that are needed in the applicable community or county; and
- (3) to reduce recidivism.

Sec. 4. The board shall adopt rules consistent with this chapter, prescribing standards regarding:

- (1) the development of the grants program under this chapter;
- (2) information required in an application for a grant under this chapter;
- (3) audits and monitoring of an entity that receives a grant under this chapter; and
- (4) reports required of an entity that receives a grant under this chapter.

Sec. 5. (a) The Indiana judicial center shall monitor funding provided by the department of correction, the criminal justice institute, and other state agencies that fund programs that promote alternatives to incarceration, including:

- (1) probation services;
- (2) problem solving courts;
- (3) mental health treatment;
- (4) substance abuse treatment;
- (5) forensic diversion programs;
- (6) community corrections; and
- (7) other alternatives to incarceration.

(b) For each program listed under subsection (a), the Indiana judicial center shall annually prepare a report on its findings including:

- (1) The source and amount of funding provided.



1 (2) The use of the funding.

2 (3) The adequacy of the funding, including a recommendation
3 for the funding amount needed for the next two (2) state fiscal
4 years, including sources for the recommended funding levels.

5 (c) The Indiana judicial center shall also prepare a report with
6 an analysis of the justice reinvestment community grants program.
7 The report shall contain the following:

8 (1) the number of applicants and the types of programs that
9 grants were sought for;

10 (2) descriptions of the grants that were awarded including
11 the:

12 (A) names of the entities awarded grants;

13 (B) locations of the entities awarded grants; and

14 (C) the amount of the grants.

15 (d) The reports described in subsections (b) and (c) shall be
16 submitted to the executive director of the legislative services
17 agency for distribution to the members of the interim study
18 committee on corrections and criminal code. The report must be
19 submitted in an electronic format under IC 5-14-6 before
20 September 1 of each year.

21 Sec. 6. Fifty million dollars (\$50,000,000) is annually
22 appropriated in 2016 and each year thereafter to the Indiana
23 judicial center for the justice reinvestment community grants
24 program. The budget agency shall allot these amounts to the
25 Indiana judicial center without any reduction.

